



Malta

Country Reports on Human Rights Practices - [2001](#)

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Malta is a constitutional republic and a parliamentary democracy. The chief of state (President) appoints as the head of government (Prime Minister) the leader of the party that gains a plurality of seats in the quinquennial elections for the unicameral legislature. The judiciary is independent.

The appointed commissioner who commands the police is under the effective supervision of the Government and may be either a civilian or career member of the force.

The country has a population of approximately 391,000. The economy is a mixture of state-owned and private industry, with tourism and light manufacturing as the largest sectors, and it provides residents with a moderate to high standard of living. In 2000 the gross national product was \$3,295 million (1,491.5 million liri).

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse. Violence against women was a problem, and societal discrimination against women persisted, but the Government has taken steps to address both issues.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally meet international standards. Male prisoners are held separately from female prisoners, juvenile offenders are held separately from adult criminals, and pretrial detainees are held separately from convicted prisoners.

The Government permits visits by independent human rights monitors. In May the European Committee for the Prevention of Torture (CPT) visited the country's main detention facilities; however, a report on the committee's findings and recommendations had not been released by year's end.

d. Arbitrary Arrest, Detention, or Exile

The Constitution and the law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions. The police may arrest a person for questioning on the basis of reasonable suspicion but within 48 hours must either release the suspect or file charges. Arrested persons have no right to legal counsel during this 48-hour period. Persons incarcerated pending trial are granted access to counsel. Bail normally is granted. New detention cells, which were extensively refurbished and upgraded, are in use at police headquarters.

In August the Government published a white paper on police law that proposed forming a police board composed of members of the public to investigate complaints about police behavior with independent investigating powers. Several public advocacy institutions and members of the media made favorable comments regarding the white paper, and the Government continued to evaluate the report's proposals during the year.

In 2000 the European Court of Human Rights ruled that the Government had violated articles 5/3 and 5/4 of the European Convention on Human Rights by holding a Tunisian citizen in custody for 2 years prior to trial, thereby denying the accused prompt due process. The Tunisian citizen was released in 1997, and the white paper cited the case as a justification for reforms.

The Constitution prohibits forced exile, and the Government does not use it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice.

The President, on the advice of the Prime Minister, appoints the Chief Justice and 16 judges. Judges serve until the age of 65, and magistrates serve until the age of 60. The highest court, the Constitutional Court, interprets the Constitution and has original jurisdiction in cases involving human rights violations and allegations relating to electoral corruption charges. The two courts of appeal hear appeals from the civil court, court of magistrates, special tribunals, and the criminal court, respectively. The criminal court, composed of a judge and nine jurors, hears criminal cases. The civil court first hall hears civil and commercial cases that exceed the magistrates' jurisdiction; the civil court's second hall offers voluntary jurisdiction in civil matters. The court of magistrates has jurisdiction for civil claims of less than \$2,227 (1,000 liri) and for lesser criminal offenses. The juvenile court hears cases involving persons under 16 years of age. In March the Cabinet approved a reform in the administration of courts, which strengthens both legal and administrative management, and creates additional judicial staff for magistrates and judges; however, the reform had not been implemented by the year's end.

The Constitution provides for the right to a fair public trial before an impartial court, and an independent judiciary generally enforces this right. Defendants have the right to counsel of their choice or, if they cannot pay the cost, to court-appointed counsel at public expense. Defendants enjoy a presumption of innocence and may confront witnesses, present evidence, and have the right of appeal.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, the Government generally respects these prohibitions in practice, and violations are subject to effective legal sanctions. Police officers with the rank of inspector and above may issue search warrants based on reasonable grounds for suspicion of wrongdoing. Under the law, special powers such as telephone tapping are available to the security services only under specific written authorization of the Minister for Home Affairs or the Prime Minister; it is permitted only in cases related to national security, including combating organized crime. A special commission and security committee examines these authorizations; the Prime Minister, the leader of the opposition, and the Ministers for Home and Foreign Affairs sit on this committee and oversee the service's work.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, the law bans foreign participation in local politics during the period leading up

to elections, although this provision rarely is used. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

Diverse views are expressed in four daily newspapers, and nine weeklies, including five Sunday editions. A total of 6 television stations, a commercial cable network, and 19 radio stations function freely. Internet access is available and generally unrestricted.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respects these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. The Constitution establishes Roman Catholicism as the State religion.

The Government and the Catholic Church participate in a foundation that finances Catholic schools. While religious instruction in Catholicism is compulsory in all state schools, the Constitution establishes the right not to receive this instruction if the student (or guardian, in the case of a minor) objects.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respects them in practice. During the year, a court order prohibiting the departure from the country of anyone who was the subject of a formal complaint that alleged nonfulfillment of a legal obligation, such as the nonpayment of a debt or nonsupport of an estranged spouse, was repealed.

The Refugee Act of 2000 provides for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR). The law provides for refugee status, access to free social services and education, residence permits, and travel documents. Work permits for refugees are issued on a case-by-case basis. In October a new refugee law entered into force that expanded due process and the protection available to refugee applicants and formalized what had been a system of ad hoc refugee status. The law provides for a Refugee Commission. In October a Commissioner for Refugees and an appeals board composed of three members as well as a substitute was appointed to comply with the law; during the year, it met with UNHCR officials to set up a local refugee eligibility procedure.

During the year, there were 130 applications for refugee status. Of the 76 cases that were decided between the UNHCR and the Refugee Commission, 16 were recognized and granted refugee status, and 60 were rejected. There were 8 withdrawals, and 46 other cases were pending at year's end.

Authorities expel or repatriate those determined to be ineligible for refugee status; however, there were no reports of the forced return of any persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The percentage of women in government or politics does not correspond to their percentage of the population. In the September 1998 elections, six women were elected to Parliament, three in each party, and one received a ministerial post. The Government has taken steps to include more women in civil service and other government positions. Of senior government officials, 8 to 10 percent are female, and an additional 11 women were serving as chairpersons on appointed government boards at year's end.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are cooperative and responsive to their views.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution and law prohibit discrimination based on race, place of origin, political opinion, color, creed, or sex, and the Government generally respects this prohibition. Alleged victims of job discrimination may apply directly for relief to the Employment Commission of the first hall of the Civil Court in the appropriate jurisdiction.

Women

Domestic violence against women was a problem. As of October, 168 cases of domestic violence were reported to the Police Domestic Violence Unit. A special police unit and several voluntary organizations provide support to victims of domestic violence. There is a hotline to assist victims of abuse through counseling and through referrals to legal assistance shelters. The Government also maintains an emergency fund and subsidizes shelters. During the year, 59 women used the shelters, and another 93 used a church-run shelter that received financial assistance from the Government. In 1998 the Government set up a committee to review existing family legislation and propose amendments dealing with domestic violence, and in 2000, the committee presented a bill concerning domestic violence that was under consideration by the Government at year's end.

Prostitution is a serious offense under the law, and stiff penalties are reserved for organizers. Although exact figures were not available, there were some prosecutions during the year. Rape and violent indecent assault carry sentences of up to 10 years' imprisonment. The law treats spousal rape in the same manner as other rape. Divorce is not legal.

The Constitution provides that all citizens have access, on a nondiscriminatory basis, to housing, employment, and education; however, while women constitute a growing portion of the work force, they are underrepresented in management. Cultural and traditional employment patterns often direct women either into traditional "women's jobs" (such as teachers or nurses) or into better paying jobs in family-owned businesses or select professions (academia or medicine); as a result women generally earn less than their male counterparts.

Women's issues are handled by the Department of Women's Rights under the Minister of Social Policy, who is also the Deputy Prime Minister and the Nationalist Party's deputy leader. Women enjoy equality in matters of family law, and the Government promotes equal rights for all persons regardless of sex. The Government has taken steps to provide gender-neutral legislation, and redress in the courts for sexual discrimination is available.

Children

The Government is committed strongly to children's rights and welfare; it funds public education and health care. It provides compulsory, free, and universal education and free health care for children through age 16. The Government addresses concerns for children's rights and welfare within family law.

There is no societal pattern of abuse of children, and the number of reported cases of child abuse decreased over the previous year. During the first 6 months of the year, 566 cases of child abuse were reported. A "helpline" telephone number exists for reports of suspected cases of child abuse.

Persons with Disabilities

The law provides for rights for persons with disabilities. The 2000 Persons with Disabilities Act built on provisions in the public employment and accessibility laws and requires the private sector to apply equal employment guarantees already in place in the public sector. For example, private development project plans must include access for persons with disabilities. Efforts continued during the year to provide children with disabilities with access to mainstream schools as opposed to segregated schools. The Employment Training Corporation has responsibility for registering unemployed persons with disabilities to insure compliance with the law, which requires that every company employing more than 20 persons hire at least 2 percent of its workforce from the Register for Unemployed Disabled Persons.

National/Racial/Ethnic Minorities

Approximately 2,000 persons of North African origin are married to citizens. This community has a mosque and a separate school.

Owners of some bars and discos periodically discouraged or prohibited darker-skinned persons, especially of African or Arab origin from entering their establishments.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides workers with the right to associate freely, and workers exercise this right in practice. There are 38 registered trade unions, representing about 63 percent of the work force, a 13 percent increase over the previous year. Although all unions are independent of political parties, the largest, the General Workers' Union, generally is regarded as having close informal ties with the Labor Party.

Under the law, the responsible minister may refer labor disputes either to the Industrial Tribunal (a government-appointed body consisting of representatives of government, employers, and employee groups) or to binding arbitration. The International Labor Organization (ILO) Committee of Experts for many years has criticized a provision of the law that permits compulsory arbitration to be held at the request of only one of the parties, but neither unions nor employers appear to object to this provision. Workers have the right to strike, and the Government generally respects this right in practice. Only noncivilian personnel of the armed forces and police are prohibited from striking. In practice a striking union can ignore an unfavorable decision of the Industrial Tribunal by continuing the strike on other grounds. During the year, there were seven industrial actions, all of which were resolved before the Industrial Tribunal by the year's end.

There is no prohibition on unions affiliating internationally.

b. The Right to Organize and Bargain Collectively

Workers are free, in law and practice, to organize and bargain collectively. Unions and employers meet annually with government representatives to work out a comprehensive agreement regulating industrial relations and income policy.

Under the law, an employer may not take action against any employee for participation or membership in a trade union. Complaints may be pursued through a court of law, through the Industrial Tribunal, or through the Tribunal for the Investigation of Injustices (presided over by a judge of the Superior Court); however, most disputes are resolved directly between the parties. Workers fired solely for union activities must be reinstated; however, there were no reports of such firings during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, and there were no reports that such practices occurred. The Government prohibits forced and bonded labor by children and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits the employment of children younger than age 16. The Department of Labor enforces the law effectively, but it is lenient in cases of summer employment of underage youths in businesses run by their families; some underage children were employed as domestics, restaurant kitchen help, or vendors.

In June the Government ratified ILO Convention 182 on the worst forms of child labor.

The Government prohibits forced and bonded labor by children, and such practices were not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work

The weekly minimum wage is \$103 (45.75 liri) for persons under age 17; \$106 (46.97 liri) for 17-year-olds; and \$112 (49.88 liri) for persons age 18 and over. Additionally a mandatory bonus of \$110 (50 liri) per week is paid. This minimum wage structure provides a decent standard of living for a worker and family with the addition of government subsidies for housing, health care, and free education. Wage Councils, composed of representatives of government, business, and unions, regulate work hours; for most sectors the standard is 40 hours per week, but in some trades it is 43 or 45 hours per week.

Government regulations provide for a daily rest period, which is normally 1 hour, and 1 day of rest per week. The law mandates an annual paid vacation of 4 workweeks plus 4 workdays. The Department of Labor effectively enforced these requirements.

Enforcement of the Occupational Health and Safety (Promotion) Act was uneven, and industrial accidents remained frequent. Workers may remove themselves from unsafe working conditions without jeopardy to their continued employment.

f. Trafficking in Persons

The law does not specifically prohibit trafficking in persons, although other laws can be used to prosecute trafficking; there were no reports of trafficking in persons.

The White Slave Traffic Ordinance and the Criminal Code prohibit procurement for prostitution, pornography, sexual offenses, defilement of minors, illegal detainment, unlawful carnal knowledge, and indecent assault. Traffickers also may be prosecuted under the Immigration Act for unlawful entry or unregulated status. During the year, the Government proposed amendments to the Criminal Code that address the offense of trafficking in human beings and substantially increase the penalty for their illegal transportation; however, the proposed amendments had not been passed by year's end.